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FACSIMILE TRANSMISSION COVER SHEET

Date: November 7, 2005

To: United States Patent and Trademark Office
Examiner: Julio J. Maldonado; Art Unit: 2823

Fax: 571-273-8300

Re: Application Serial No.: 10/016,713
Filing Date: 11/2/2001; First Named Inventor: Selim S. Bencuya
Attorney Docket No.: 0190104

From: Farjami & Farjami LLP

Number of pages including the cover sheet: 23

Message:

Enclosed please find the following:

1. A Petition to Withdraw Holding of Abandonment Under 37 C.F.R. § 1.181
(and attachment for the Petition)
2. A Response to the Non-Final Office Action dated March 22, 2005

Thank you.

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PTO/SB/21 (08-03)

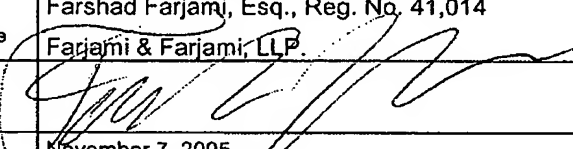
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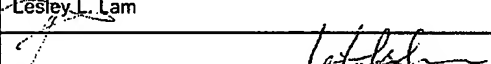
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/016,713	
	Filing Date	11/2/2001	
	First Named Inventor	Bencuya, Selim S.	
	Examiner Name	Maldonado, Julio J.	
	Art Unit	2823	
Total Number of Pages in This Submission	22	Attorney Docket Number	0190104

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Attachment for Petition (8 pages)
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Farshad Farjami, Esq., Reg. No. 41,014 Farjami & Farjami, LLP.
Signature	
Date	November 7, 2005

CERTIFICATE OF TRANSMISSION			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO at facsimile number 571-273-8300 on the date shown below.			
Type or printed name	Lestey L. Lam		
Signature		Date	November 7, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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NOV 07 2005

PTO/SB/17 (12-04)

Approved for use through 07/31/2008. OMB 0851-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Effective on 12/8/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**
For FY 2005☐ Applicant Claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 0.00

Complete if Known

Application Number	10/016,713
Filing Date	11/2/2001
First Named Inventor	Bencuya, Selim S.
Examiner Name	Maldonado, Julio J.
Art Unit	2823
Attorney Docket No.	0190104

METHOD OF PAYMENT (check all that apply)

- ☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____
- ☒ Deposit Account Deposit Account Number: 50-0731 Deposit Account Name: Farjami & Farjami LLP
- For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
- ☐ Charge fee(s) indicated below ☐ Charges fee(s) indicated below, except for the filing fee
- ☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

	FILING FEES		SEARCH FEES		EXAMINATION FEES		
	Small Entity		Small Entity		Small Entity		
Application Type	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fees Paid (\$)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Small Entity	
	Fee (\$)	Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)** **Multiple Dependent Claims**

- 20 or HP = _____ x _____ = _____ **Fee (\$)** **Fee Paid (\$)**

HP = highest number of total claims paid for, if greater than 20

Indep. Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

- 3 or HP = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41 (a)(1)(G) and 37 CFR 1.16(s).

Total Sheets **Extra Sheets** **Number of each additional 50 or fraction thereof** **Fee (\$)** **Fee Paid (\$)**

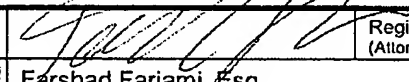
- 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: _____

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	41014	Telephone	(949) 282-1000
Name (Print/Type)	Farshad Farjami, Esq.	Date	11/7/05		

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Application Serial No. 10/016,713
Attorney Docket No.: 0190104

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Bencuya, Selim S.**

Serial No.: 10/016,713

Filed: November 2, 2001

For: **Method and Article of Manufacture for
Micro-Lens Resulting from Multi-Stage
Fabrication Technique**

Art Unit: 2823

Examiner: Maldonado, Julio J.

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. § 1.181

Mail Stop: Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

This is a petition to withdraw holding of abandonment, under 37 C.F.R. § 1.181 and MPEP § 711.03(c), in response to the Notice of Abandonment, dated October 31, 2005, in the above-referenced application.

The Notice of Abandonment states that the above-referenced application was abandoned due to applicant's failure to timely file a proper reply to the Office Action mailed on March 22, 2005.

Applicant respectfully submits that applicant did not receive the Office Action, dated March 22, 2005, due to the USPTO's mistake and no fault of applicant. After receiving the abandonment notice, applicant obtained a copy of the Office Action mailed on March 22, 2005, and noted that the Office Action had been mailed to "Robin Carlton Swain, 17 Songbird Road,

Application Serial No. 10/016,713
Attorney Docket No.: 0190104

Trabuco Canyon, CA 92679,” rather than the undersigned. It should be noted that the undersigned has been the attorney of record as of June 2003, and had previously received all Office Actions in the above-referenced application, and the Office Action of March 22, 2005 was mailed by the USPTO in response to the RCE of November 15, 2004, filed by the undersigned.

Applicant’s review of PAIR history, a copy of which is attached hereto, shows that on June 4, 2003, the undersigned revoked all previous power of attorney and assumed power of attorney, under Customer No. 25700. After filing of the RCE on November 15, 2004, it appears that attorney Jack J’maev, who lacked power of attorney in the above-referenced application, filed a request for “Change of Correspondence Address,” dated December 9, 2004. Applicant respectfully submits that the USPTO should have rejected such request for change of correspondence address, because attorney Jack J’maev did not possess the requisite power of attorney to change the correspondence address. Applicant assumes that attorney Jack J’maev had mistakenly filed such request.

Further, applicant notes that, rather than changing the correspondence address to attorney Jack J’maev’s address, the USPTO mistakenly used Jack J’maev’s registration number “45,669”, as a customer number “45,669”, which corresponds to the law firm of “Robin Carlton Swain,” located at 17 Songbird Road, Trabuco Canyon, CA 92679. As a result, the USPTO mistakenly mailed the Office Action of March 22, 2005 to Robin Carlton Swain, rather than the undersigned attorneys of record. Applicant has also noted that on April 26, 2005, the USPTO discovered its mistake and corrected the correspondence address according to undersigned attorneys’ customer number 25700, and that is how the undersigned attorneys received the notice of abandonment.

In short, applicant respectfully submits that the Office Action mailed on March 22, 2005 was never received by the undersigned attorneys, due to the USPTO’s mistake to change the

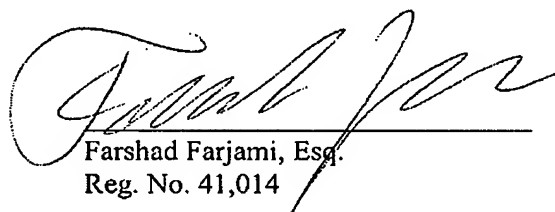
Application Serial No. 10/016,713
Attorney Docket No.: 0190104

correspondence address pursuant to a request by an unauthorized person and mailing the Office Action to a wrong address. Accordingly, for the foregoing reasons, applicant respectfully requests that the holding of abandonment be withdrawn, and the enclosed response to Office Action of March 22, 2005, be entered and considered.

In the alternative, for the reasons stated above, applicant respectfully submits that failure to timely file a proper reply to the Office Action mailed on March 22, 2005, was unavoidable, and applicant respectfully requests that the above-referenced application be revived, and the enclosed response to Office Action of March 22, 2005, be entered and considered.

The Commissioner is hereby authorized to charge or credit Deposit Account Number 50-0731 for any deficiency or overpayment in the fees required for the filing of this Petition.

Respectfully Submitted,
FARJAMI & FARJAMI LLP


Farshad Farjami, Esq.
Reg. No. 41,014

FARJAMI & FARJAMI LLP
26522 La Alameda Ave., Suite 360
Mission Viejo, California 92691
Telephone: (949) 282-1000
Facsimile: (949) 282-1002

CERTIFICATE OF FACSIMILE TRANSMISSION

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Nov. 7, 2005

Date

LESLEY L. LAM

Name

Signature 



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PATENT APPLICATION INFORMATION RETRIEVAL



Search results as of: 11-5-2005::14:43:58 E.T.

Search results for application number: 10/016,713			
Application Number:	10/016,713	Customer Number:	25700
Filing or 371(c) Date:	11-02-2001	Status:	Abandoned -- Failure to Respond to an Office Action
Application Type:	Utility	Status Date:	10-31-2005
Examiner Name:	MALDONADO, JULIO J	Location:	ELECTRONIC
Group Art Unit:	2823	Location Date:	-
Confirmation Number:	4444	Earliest Publication No:	US 2003-0111700 A1
Attorney Docket Number:	CNXT-01CXT02861	Earliest Publication Date:	06-19-2003
Class/ Sub-Class:	257/432	Patent Number:	-
First Named Inventor:	Selim Bencuya, Irvine, CA (US)	Issue Date of Patent:	-
Title Of Invention:	Method and article of manufacture for micro-lens resulting from multi-stage fabrication technique		

Search Options

Assignments
Display References
Image File Wrapper

File History	
Date	Contents Description
10-31-2005	Mail Abandonment for Failure to Respond to Office Action
10-31-2005	Abandonment for Failure to Respond to Office Action
04-26-2005	Correspondence Address Change
03-22-2005	Mail Non-Final Rejection
03-17-2005	Non-Final Rejection
01-21-2005	Correspondence Address Change
01-12-2005	Date Forwarded to Examiner
01-12-2005	Date Forwarded to Examiner
11-15-2004	Request for Continued Examination (RCE)
01-12-2005	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)
11-15-2004	Workflow incoming amendment IFW
11-15-2004	Workflow - Request for RCE - Begin

11-01-2004	Mail Advisory Action (PTOL - 303)
10-29-2004	Advisory Action (PTOL-303)
10-27-2004	Date Forwarded to Examiner
10-19-2004	Amendment after Final Rejection
09-08-2004	Mail Final Rejection (PTOL - 326)
09-07-2004	Final Rejection
06-30-2004	IFW TSS Processing by Tech Center Complete
06-30-2004	Date Forwarded to Examiner
06-21-2004	Response after Non-Final Action
06-21-2004	Workflow incoming amendment IFW
04-02-2004	Mail Non-Final Rejection
04-01-2004	Non-Final Rejection
01-29-2004	Date Forwarded to Examiner
01-20-2004	Response to Election / Restriction Filed
12-24-2003	Mail Restriction Requirement
12-23-2003	Requirement for Restriction / Election
10-22-2003	Case Docketed to Examiner in GAU
10-14-2003	Date Forwarded to Examiner
09-22-2003	Response to Election / Restriction Filed
08-21-2003	Mail Restriction Requirement
08-21-2003	Requirement for Restriction / Election
08-07-2003	Case Docketed to Examiner in GAU
08-05-2003	Application Return from OIPE
06-25-2003	Correspondence Address Change
06-26-2003	Change in Power of Attorney (May Include Associate POA)
03-14-2003	Application Dispatched from OIPE
03-07-2003	Application Is Now Complete
01-30-2002	Pre-Exam Office Action Withdrawn
03-27-2002	Additional Application Filing Fees
03-27-2002	Omitted Drawings. Applicant has Petitioned that the Filing Date not be changed and the Petition has
02-25-2003	Application Return TO OIPE
02-25-2003	Case Docketed to Examiner in GAU
02-25-2003	Dispatch from OIPE to Corps - U-P-R-D Application
03-27-2002	New or Additional Drawing Filed
08-25-2002	Receipt of all Acknowledgement Letters
05-28-2002	Record Petition Decision of Granted Related to Filing Date
03-27-2002	Petition Entered
01-14-2002	Referred by L&R for Third-Level Security Review. Agency Referral Letter Generated
01-30-2002	Notice of Omitted Items
01-11-2002	IFW Scan & PACR Auto Security Review
12-27-2001	IFW Scan & PACR Auto Security Review

PAIR Page

Page 3 of 3

11-02-2001

Initial Exam Team nn



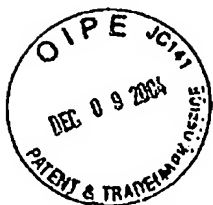
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,713	11/02/2001	Selim S. Bencuya	CNXT-01 CXT02861	4444
45669	7590	03/22/2005	EXAMINER	
ROBIN CARLTON SWAIN 17 SONGBIRD ROAD TRABUCO CANYON, CA 92679			MALDONADO, JULIO J	
			ART UNIT	PAPER NUMBER
			2823	

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



12-13-04

2826

CHANGE OF CORRESPONDENCE ADDRESS APPLICATION

Application Number 10/016,713
Filing Date 11/2/2001
First Named Inventor Bencuya
Art Unit 2826
Examiner Name
Attorney Docket Number 01CXT02861

Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Please change the Correspondence Address for the above-identified patent application to:

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OR

☒ Firm or Individual Name Intellectual Property Development / Jack J'maev
Address 187 W. Orangethorpe Ave.; Suite H
City Placentia State CA Zip 92870
Country U.S.A.
Telephone (714) 961-1981 Fax (714) 961-1968

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I am the:

- ☐ Applicant/Inventor
☐ Assignee of record of the entire interest.
Statement under 38 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
☒ Attorney or Agent of record. Registration Number: 45,669
☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number:

Typed or Printed Name Jack J'maev

Signature

Date

December 9, 2004

Telephone (714) 961-1981

Thursday, December 09, 2004

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2826

PTO/SB/21 (01-03)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/016,713	
	Filing Date	Nov 2, 2001	
	First Named Inventor	Bencuya, Selim S.	
	Art Unit	Unknown	
	Examiner Name	Unknown	
Total Number of Pages in This Submission	3	Attorney Docket Number	0190104

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Postcard
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm or Individual: Farshad Farjami, Esq., Reg. No. 41,014 Farjami & Farjami LLP Signature: Date: June 4, 2003		

CERTIFICATE OF TRANSMISSION/MAILING	
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Type or printed	Lori Blava
Signature	Date: June 4, 2003

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PTO/SB/81 (02-01)

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REVOCATION AND POWER OF ATTORNEY

Application Number	10/016,713
Filing Date	11/2/2001
First Named Inventor	Selim S. Bencuya
Title	Method and Article of Manufacture for Micro-Lens Resulting from Multi-Stage Fabrication Technique
Group Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	0190104

I hereby revoke all previous powers of attorney given in this application and appoint:

☐ Practitioners at Customer Number →

Place Customer
 Number Bar Code
 Label here

☒ Practitioner(s) named below:

Name	Registration Number
Michael Farjami, Esq.	38135
Farshad Farjami, Esq.	41014

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

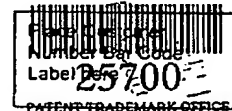
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☒ Practitioners at Customer Number

OR

☒ Firm or Individual Name

Farshad Farjami, Esq.
 Farjami & Farjami LLP

Address 16148 Sand Canyon

Address

City Irvine State CA Zip 92618

Country U.S.A.

Telephone (949) 784-4600 Fax (949) 784-4601

I am the:

☐ Applicant/Inventor

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
 Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

Name John Markovich

Signature

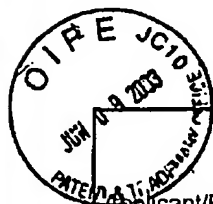
Date

5/20/03

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ *Total of 2 forms are submitted.

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Selim S. BencuyaApplication No./Patent No.: 10/016,713 Filed/Issued Date: 11/2/2001Entitled: Method and Article of Manufacture for Micro-Lens Resulting from Multi-Stage Fabrication TechniquePictos Technologies, Inc.

(Name of Assignee)

a Delaware corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %

In the patent application/patent identified above by virtue of either:

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OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

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The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

5/20/03

Date

John Markovich

Typed or printed name

Signature

Chief Financial Officer

Title

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